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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,522	01/02/2001	Takehiro Fujii	P107400-00017	3514

7590

12/05/2002

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EXAMINER

NGUYEN, JOSEPH H

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,522

Applicant(s)

FUJII, TAKEHIRO

Examiner

Joseph. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 March 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over figures 3 or 4 of the acknowledged prior art (APA) in view of JP 49-48267.

Regarding claim 1, figures 3 or 4 of APA discloses substantially all the structure set forth in the claimed invention except two notches being formed at both sides of the other end of said board at the second electrode pattern side. However, JP49-48267 discloses on figure 8 that an LED device having two notches being formed at both sides of the other end of said board at the second electrode pattern side. In view of such teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify figures 3 or 4 of (APA) by having two notches being formed at both sides of the other end of said board at the second electrode pattern side for the purpose of reducing the size of an LED device.

Regarding claims 2, 4 and 5, figures 3 or 4 and JP 49-48267 together disclose all the structures set forth in the claimed invention.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over figures 3 or 4 of the acknowledged prior art (APA) and JP 49-48267 as applied claim 1 above and further in view of Okazaki.

Regarding claim 3, figures 3 or 4 of the acknowledged prior art (APA) and JP 49-48267 discloses substantially all the structure set forth in the claimed invention except the board size of 1.6 mm X 0.8 mm or less. However, Okazaki discloses on figure 3 that the board 17 is having a size of 1.6 mm X 0.8 mm or less. In view of such teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify figures 3 or 4 of the acknowledged prior art (APA) and JP 49-48267 by having the board size of 1.6 mm X 0.8 mm or less in a LED device for the purpose of reducing the thickness of the LED device economically as taught by Okazaki (col. 9, lines 40-45).

Response to Arguments

Applicant's arguments filed on 10/10/2002 have been fully considered but they are not persuasive.

With respect to claim 1, applicant argues that the references of record do not suggest or disclose, "one notch is formed at one end of said board at said first electrode pattern side and two notches are formed at both sides of the other end of said board at said second electrode pattern side, each of said electrode patterns is formed so as to cover said one notch or two notches through an entire width of said board". However, figures 3 or 4 of (APA) discloses one notch 7 is formed at one end of said board at said

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first electrode pattern side... each of said electrode patterns is formed so as to cover said one notch, and JP49-48267 discloses on figure 8 that an LED device having two notches being formed at both sides of the other end of said board at the second electrode pattern side. Therefore, it would have been obvious to combine figures 3 or 4 of (APA) and JP49-48267 for the obviousness type of rejection as presented above in this Office Action.

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

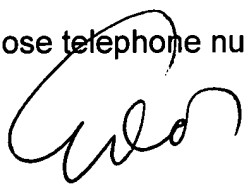
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (703) 308-1269. The examiner can normally be reached on Monday-Friday, 7:30 am- 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-7382 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JN
November 13, 2002



JOSEPH NGUYEN
SUPERVISING EXAMINER
TECHNOLOGY CENTER 2800